

SENATE BILL 1673

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 6;
Title 9; Title 20; Title 40; Title 41; Title 55 and Title
70, relative to court clerks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-24-105, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d)

(1) Any fine, costs, or litigation taxes remaining in default after the entry of the order assessing the fine, costs, or litigation taxes may be collected by the district attorney general or the criminal or general sessions court clerk in the manner authorized by this section and otherwise by the trial court by contempt upon a finding by the court that the defendant has the present ability to pay the fine and willfully refuses to pay. After a fine, costs, or litigation taxes have been in default for at least six (6) months, the district attorney general or criminal or general sessions court clerk may retain an agent to collect, or institute proceedings to collect, or establish an in-house collection procedure to collect, fines, costs, and litigation taxes. If an agent is used, the district attorney general or the criminal or general sessions court clerk shall request the county purchasing agent to utilize normal competitive bidding procedures applicable to the county to select and retain the agent. If the district attorney general and the criminal or general sessions court clerk cannot agree upon who collects the fines, costs, and litigation taxes, the presiding judge of the judicial district or a general sessions judge shall make the decision.

(2) The district attorney general or criminal or general sessions court clerk may retain up to fifty percent (50%) of the fines, costs and litigation taxes to either retain an outside agent to collect the funds or in accordance with any in-house collection procedure.

(3) When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to fifty percent (50%) shall be withheld for collection costs, with the remainder being allocated according to the formula.

(4) The fifty percent (50%) of costs collected or withheld under this subsection (d) may be retained by either an outside agent or the district attorney general or criminal or general sessions court clerk.

SECTION 2. Tennessee Code Annotated, Section 20-12-144, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The clerk may retain the same percentage as authorized by § 40-24-105 for collection of criminal costs, taxes, and fines, which may be allocated from each payment made on the amounts owed for such civil costs and taxes. The retained amounts shall be used to pay the agent retained to collect the costs or, in the event an in-house collection procedure is established, shall be retained by the clerk.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.